## UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE COLUMBIA DIVISION

WARREN CURNUTT	]	
Petitioner,	]	
	]	
v.	1	No. 1:11-0014
	]	Judge Sharp
BRUCE WESTBROOKS, WARDEN	]	
Respondent.	]	

## ORDER

The Court has before it respondent's Answer (Docket Entry No.17), petitioner's Reply (Docket Entry No.29) to the Answer, and the respondent's Motion for Summary Judgment (Docket Entry No.33).

In accordance with the Memorandum contemporaneously entered, the Court finds merit in the respondent's Motion for Summary Judgment. Accordingly, said Motion is GRANTED and this action is hereby DISMISSED. Rule 8(a), Rules -- § 2254 Cases.

Should the petitioner file a timely notice of appeal from this order, such notice shall be treated as an application for a certificate of appealability, 28 U.S.C. § 2253(c), which will NOT issue because the petitioner has failed to make a substantial showing of the denial of a constitutional right.

It is so ORDERED.

Kevin H. Sharp

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United States District Judge